

Appl. No.: 10/812,451
Amtd. Dated February 27, 2007
Reply to Office Action of December 13, 2006

Amendments to the Claims:

1. (Currently Amended) A package for containing a food product that is prepared for consumption by mixing with liquid, the package serving as a vessel for the preparation as well as a container in which the prepared food product is served, the package comprising:

a primary container comprising a tapered plastic cup having a radially outwardly projecting rim at a top end of the cup; and

a cup holder comprising a tapered plastic cup having a radially outwardly projecting flange at a top end thereof and an elongated skirt depending from the flange such that a channel is defined between the skirt and a side wall of the cup holder;

~~the cup holder-and being nested in the primary container-being complementarily configured to be nestable inside each other such that when the package is convertible between in a packaged configuration in which the cup holder is nested inside the primary container, and the cup holder being readily removable from the primary container such that the package can be converted into a serving configuration in which the primary container is nested inside the cup holder with a side wall of the cup holder surrounding a side wall of the primary container so as to form a double-walled structure thermally isolating contents of the primary container from a user's hand gripped about said double-walled structure; and~~

~~complementary locking features on the cup holder and primary container for locking the primary container into the cup holder in the serving configuration of the package.~~

~~the channel of the cup holder being configured to receive the rim of the primary container when the package is in the packaged configuration.~~

2. (Currently Amended) The package of claim 1, further comprising complementary locking features on the cup holder and primary container for locking the primary container into the cup holder in the serving configuration of the package ~~wherein and an elongated skirt depends from the flange of the cup holder such that a channel is defined between the skirt and the side wall of the cup holder, the channel of the cup holder being configured to receive the rim of the primary container when the package is in the packaged configuration.~~

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3. (Currently Amended) The package of claim [[2]] 1, wherein the locking features comprise a projection formed on one of the cup holder and primary container and a recess formed on the other of the cup holder and primary container, the projection engaging the recess in the serving configuration.

4. (Original) The package of claim 3, wherein the recess is formed in an inner surface of the cup holder and the projection is formed on an outer surface of the primary container.

5. (Original) The package of claim 4, wherein the recess comprises a groove extending circumferentially about the inner surface of the cup holder, and the projection comprises a raised region extending circumferentially about the primary container.

6. (Original) The package of claim 5, wherein the cup holder includes a second recess, the recesses being axially spaced, and the primary container includes a second raised region, the raised regions being axially spaced.

7. (Currently Amended) The package of claim 1, further comprising spacing members formed on one of the cup holder and primary container for spacing ~~a~~ the side wall of the cup holder from ~~a~~ the side wall of the primary container in the serving configuration of the package, whereby the cup holder provides thermal isolation from the primary container.

8. (Original) The package of claim 7, wherein the spacing members comprise ribs.

9. (Original) The package of claim 8, wherein the ribs project inwardly from an inner surface of the side wall of the cup holder and abut an outer surface of the side wall of the primary container in the serving configuration.

10. (Original) The package of claim 1, comprising a food product contained in the package in the packaged configuration.

11. (Original) The package of claim 10, wherein the cup holder is shorter than the primary container such that in the packaged configuration a space is defined between a bottom

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wall of the cup holder and a bottom wall of the primary container, the food product being disposed in said space.

12. (Original) The package of claim 11, further comprising a wrapper wrapped about at least the top ends of the cup holder and primary container in the packaged configuration for sealing the food product in the package and holding the cup holder and primary container together.

13. (Original) The package of claim 12, wherein the wrapper comprises a shrink film.

14. (Original) The package of claim 10, wherein the food product is contained in the cup holder in the packaged configuration.

15. (Original) The package of claim 14, further comprising a membrane sealed to the top end of the cup holder for sealing the food product in the package.

16. (Original) The package of claim 15, further comprising a wrapper wrapped about at least the top ends of the cup holder and primary container in the packaged configuration for holding the cup holder and primary container together.

17. (Original) The package of claim 16, wherein the wrapper comprises a shrink film.

18. (Original) The package of claim 10, wherein the food product comprises a dry beverage mix.

19. (Original) The package of claim 1, wherein the rim of the primary container comprises a flat flange.

20. (Original) The package of claim 1, wherein the primary container and cup holder comprise thermoplastic.

21. (Original) The package of claim 20, wherein the primary container and cup holder are thermoformed.

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22. (Currently Amended) The package of claim [[1]] 2, wherein the skirt of the cup holder is flared radially outwardly in a direction toward a lower end of the skirt.

23. (Currently Amended) The package of claim [[1]] 2, wherein the lower end of the skirt includes a radially outwardly projecting flange.

24. (Original) The package of claim 1, further comprising a shrink film wrapped about the top ends of the cup holder and primary container in the packaged configuration, the shrink film extending at least partway along the length of the primary container, the shrink film including a line of weakness allowing an upper portion of the shrink film to be detached from a lower portion of the shrink film and removed from the package while the lower portion of the shrink film remains wrapped about the primary container such that the package can be converted to the serving configuration.

25. (Original) The package of claim 24, wherein the shrink film is printed with visual elements.

26. (Original) The package of claim 1, further comprising a food product contained in the primary container in the packaged configuration, and a shrink band wrapped about the top ends of the cup holder and primary container to seal the package and hold the primary container and cup holder together, the shrink band terminating at an upper edge proximate the flange at the top end such that the cup holder remains open at the top end, permitting multiple ones of the packages to be nested inside one another in the packaged configuration.

27. (Currently Amended) The package of claim 1, further comprising A package for containing a food product that is prepared for consumption by mixing with liquid, the package serving as a vessel for the preparation as well as a container in which the prepared food product is served, the package comprising:
— a primary container comprising a tapered plastic cup; and

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- ~~a cup holder comprising a tapered plastic cup having a radially outwardly projecting flange at a top end thereof;~~
- ~~the cup holder and primary container being complementarily configured to be nestable inside each other such that the package is convertible between a packaged configuration in which the cup holder is nested inside the primary container, and a serving configuration in which the primary container is nested inside the cup holder; and~~
- a flexible web attached to at least the top end of the cup holder when the package is in the packaged configuration[[;]], wherein the web and at least one of the cup holder and primary container comprise materials providing a barrier against the passage of moisture and/or oxygen.

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